

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: WORLD TRADE CENTER LOWER MANHATTAN
DISASTER SITE LITIGATION

-----X

JORGE PENA,

Plaintiff(s), Index No.: 07CV1682

-against-

NOTICE OF ADOPTION

4101 AUSTIN BLVD CORPORATION, ALAN KASMAN DBA KASCO, ANN TAYLOR STORES CORPORATION, BATTERY PARK CITY AUTHORITY, BLACKMON-MOORINGSTEAMATIC CATASTOPHE, INC. D/B/A BMS CAT, BROOKFIELD FINANCIAL PROPERTIES, INC., BROOKFIELD FINANCIAL PROPERTIES, LP, BROOKFIELD PARTNERS, LP, BROOKFIELD PROPERTIES CORPORATION, BROOKFIELD PROPERTIES HOLDINGS INC., ENVIROTECH CLEAN AIR, INC., FGP 90 WEST STREET INC., GPS ENVIRONMENTAL CONSULTANTS, INC., GRUBB & ELLIS MANAGEMENT SERVICES, HILLMAN ENVIRONMENTAL GROUP, LLC., INDOOR ENVIRONMENTAL TECHNOLOGY, INC., KASCO RESTORATION SERVICES CO., KIBEL COMPANIES, MERRILL LYNCH & CO, INC., MOODY'S HOLDINGS, INC., NOMURA HOLDING AMERICA, INC., NOMURA SECURITIES INTERNATIONAL, INC., ONE WALL STREET HOLDINGS, LLC., STRUCTURE TONE (UK), INC., STRUCTURE TONE GLOBAL SERVICES, INC., THE BANK OF NEW YORK COMPANY, INC., TOSCORP INC., WESTON SOLUTIONS, INC., WFP TOWER B CO. G.P. CORP., WFP TOWER B HOLDING CO., LP, AND WFP TOWER B. CO., L.P., ET AL,

1:21-MC-00102-AKH

Defendant(s).

-----X

COUNSELORS:

PLEASE TAKE NOTICE that Defendant, HILLMANN ENVIRONMENTAL GROUP, LLC, (hereinafter HILLMANN) as and for it's response to the allegations set forth in the Complaint by adoption or Check-Off Complaint related to the Master Complaint filed herein and applicable to the above captioned matter hereby adopts all of the responses and all of the affirmative defenses contained in the Answer to the Master Complaint dated, filed and served August 2, 2007, *In re World Trade Center Lower Manhattan Disaster Site Litigation*, 21MC 102 (AKH). The responses to all of the allegations in the Master Complaint are adopted herein and are applicable to the Check-Off Complaint served and filed herein. Defendant, HILLMANN, also adopts the responses contained in any Amended Answer filed and served herein.

PLEASE TAKE FURTHER NOTICE that Defendant, HILLMANN, reserves the right to serve and file an amended answer and specifically reserves the right to interpose a cross claim against any and all co-defendants.

PLEASE TAKE FURTHER NOTICE that Defendant, HILLMANN, also adopts all affirmative defenses and the jury demand herein.

WHEREFORE, Defendant, HILLMANN, demands judgment dismissing the above captioned action against it along with the costs and disbursements of this action.

Dated: White Plains, New York
September 11, 2007

Yours, etc.,

SAM ROSMARIN, PLLC



By: _____
Salvatore J. Calabrese, Esq. (5133)
Attorneys for Defendant
HILLMANN ENVIRONMENTAL GROUP LLC
11 Martine Avenue – 9th Floor
White Plains, New York 10606

(914) 686-4000

TO:

Paul Napoli, Esq.
WORBY GRONER EDELMAN
NAPOLI & BERN, LLP
115 Broadway, 12th Floor
New York, New York 10006
(877) 982-4376
clopalo@napolibern.com

Robert A. Grochow, Esq.
ROBERT A. GROCHOW, P.C.
233 Broadway, 5th Floor
New York, New York 10279
(212) 608-4400
rgrochow@aol.com

Gregory J. Cannata, Esq.
LAW OFFICES OF GREGORY J. CANNATA
233 Broadway, 5th Floor
New York, New York 10279
Liaison Counsel for Plaintiffs
(212) 553-9206
cannata@cannatalaw.com

SERVICE RIDER

1:21-mc-102 Notice has been electronically mailed to:

Donna-Marie Baloy Baloyd@wemed.com

Brian Andrew Bender bbender@harrisbeach.com, jsavitsky@harrisbeach.com

Dror Bikel dbikel@sralawfirm.com

Judith Rita Cohen cohenj@dicksteinshapiro.com

James J. Coster jcoster@ssbb.com, asnow@ssbb.com, bmeans@ssbb.com, jrubins@ssbb.com, managingclerk@ssbb.com, tbrock@ssbb.com

Defendants bbrender@harrisbeach.com

Andrew Riggs Dunlap adunlap@kirkland.com, kenymanagingclerk@kirkland.com

Thomas A. Egan tegan@fzw.com, service@fzw.com

Virginia Goodman Futterman vfutterman@londonfischer.com

Christian Holt Gannon cgannon@smsm.com

Roman E Gitnik rgitnik@lifflander.com

Stanley Goos Jsavitsky@harrisbeach.com, sgoos@harrisbeach.com

Robert Allen Grochow rgrochow@aol.com

Benjamin E- Haglund bhaglund@daypitney.com

John J. Henry jhenry@woh.com, clalyer@woh.com, jkroll@woh.com, lrice@woh.com, wnolan@woh.com

Hillman Environmental Group, LLC. sam@rosarinlaw.com

Michael D. Hynes michael.hynes@dlapiper.com

Barry Mark Kazan bkazan@ebglaw.com

Frank Joseph Keenan keenan@methwerb.com

LeFrak Organization Inc. bbender@harrisbeach.com

Richard Eric Leff Rleff@mcgivneyandkluger.com

Lefrak Organization, Inc. bbender@harrisbeach.com

Eric Foster Leon eleon@kirkland.com, kenymanagingclerk@kirkland.com

Christopher Allen McLaughlin christopherm@zegam.com

Anthony Molloy , III amolloy@pattonboggs.com

Kevin Jude O'Neill KJO@GOGICK.COM

Michael David Reisman mreisman@kirkland.com, kenymanagingclerk@kirkland.com

Gail L. Ritzert gail.ritzert@hrrvlaw.com, martha.raskin@hrrvlaw.com

Sam Rosmarin sam@rosmarinlaw.com

Andrew John Scholz ascholz@fzw.com, enolan@fzwz.com, service@fzwz.com

Louis Smith smithlo@gtlaw.com, gtcourtalert@gtlaw.com, petersr@gtlaw.com

Lee Ann Stevenson lstevenson@kirkland.com, kenymanagingclerk@kirkland.com

Howard F. Strongin hstrongin@sralawfirm.com

Jill Suzanne Taylor jtaylor@sralawfirm.com

James Edward Tyrrell , JR jtyrrell@pattonboggs.com, jhopkins@pattonboggs.com, tsaybe@pattonboggs.com

Mark Joseph Weber mweber@moundcotton.com

Todd E. Weisman toddw@efwlaw.com

Robin Michel Wertheimer robinwertheimer@hotmail.com

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF WESTCHESTER:

Cristina A. Villani, being duly sworn, says, I am not a party to the action, am over 18 years of age and reside at White Plains, New York.

On September 11th, 2007 I filed with the USDC pursuant to ECF filing instructions under Case No.: 1:21-mc-00102-AKH and emailed a true copy of the annexed DEFENDANT HILLMAN ENVIRONMENTAL GROUP LLC NOTICE OF ADOPTION by electronic mailing the same to the following parties at their last known electronic mailing address:

Paul Napoli, Esq.
WORBY GRONER EDELMAN
NAPOLI & BERN, LLP
115 Broadway, 12th Floor
New York, New York 10006
(877) 982-4376
ShelleneBousher@NapoliBern.com

Robert A. Grochow, Esq.
ROBERT A. GROCHOW, P.C.
233 Broadway, 5th Floor
New York, New York 10279
(212) 608-4400
rgrochow@aol.com

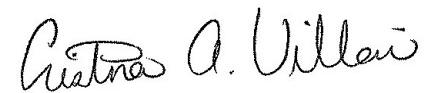
Gregory J. Cannata, Esq.
LAW OFFICES OF GREGORY J. CANNATA
233 Broadway, 5th Floor
New York, New York 10279
Liaison Counsel for Plaintiffs
(212) 553-9206
cannata@cannatalaw.com

All parties indicated on the
SERVICE RIDER

Sworn to before me this
11th day of September 2007



Charlene S. Rogers
Notary Public
No. 01RO 4703494
Qualified in Westchester County
Commission Expires 11/30/09



Cristina A. Villani